

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KEVIN KING,

Plaintiff,

v.

Case No. 2:07-cv-122
HON. ROBERT HOLMES BELL

CHARLES COOK, et al.,

Defendants.

/

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on May 23, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff has filed objections to the Report and Recommendation asserting that numerous factual and legal errors are contained in the report. Plaintiff is correct in that he alleged in his complaint that on January 17, 2007, his telephone restriction was lifted. However, plaintiff has failed to show that retaliatory action was taken against him when his security level was increased to level III. Defendant Cook recommended that the Security Classification Committee review plaintiff's security level based upon his prison record. Plaintiff was transferred to a different prison

because of a concern with housing plaintiff at the same institution as another prisoner. Defendants have shown that plaintiff's security classification was increased based upon his institutional history.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #27) is approved and adopted as the opinion of the Court.

Dated: September 9, 2008

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE